

PATENT
Attorney Docket No. 02481.1691

9
TECH CENTER 1600/2900

OCT 11 2002

RECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Zaid JAYYOSI et al.) Group Art Unit: 1624
)
Application No.: 09/724,496) Examiner: Hong Liu
)
Filed: November 28, 2000)

For: THERAPEUTIC USES OF TRI-ARYL ACID DERIVATIVES

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Response to Election Requirement

This communication responds to the Office Action dated September 20, 2002.

Claims 1-94 are pending in this application. In the Office Action, the Examiner required applicants to elect a single disclosed species to begin examination.

Applicants elect, with traverse, the compound of Example 7z on page 108 of the application. The chemical name of the elected compound is 2-{3-[2-(4-Fluorophenyl)oxazole-4-ylmethoxy]phenoxyethyl}-6-methylbenzoic acid.

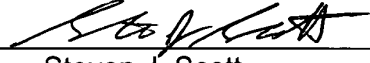
Although the Examiner concluded that the claims "are generic to a plurality of disclosed patentably distinct species," the Examiner has not provided any evidence or even arguments as to why that is believed to be so. For at least this reason, applicants traverse the election requirement.

Following the guidelines in MPEP § 803.02, this election of a species serves simply as a starting point for examination. Thus, to the extent that the elected species is found to be patentable, the Examiner should extend the search to examine non-elected subject matter.

If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 
Steven J. Scott
Reg. No. 43,911

Date: October 1, 2002